VICTIMS' SERVICES

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NOVA SCOTIA
DEPARTMENT OF JUSTICE
VICTIMS' SERVICES DIVISION

ACTIVITY REPORT

APRIL 1, 1998 - MARCH 31, 1999

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Appendix A Victims' Services Division, Organizational Chart

♦ Victims' Services Division ♦

BACKGROUND

In the spring and early summer of 1998 the Victims' Services Division, Nova Scotia Department of Justice, welcomed the opportunity to address the House of Commons Standing Committee on Justice and Human Rights in response to the Committee's Issues Paper on Victims' of Crime. Our response consisted of a 30 page written submission entitled Victims in the Criminal Justice System as well as participation at a two-day consultation held in B Block of the Parliamentary Buildings in Ottawa. Of approximately 35 people from across Canada invited to the consultation, it was gratifying to note that four were from Nova Scotia including the Executive Director of a Transition House, the Program Director of a Men's Treatment Program, and a Crown Attorney. The consultation was a representation of the view as expressed in our written submission that:

> *sole responsibility for responding to the needs of victims of crime and for the provision of services does not rest with the Victims' Services Division or the Provincial Department of Justice alone. There is a significant role to be played by other levels of Government, other Departments within Provincial Government, community agencies and the community at large. Collaboration among all stakeholders is required if we are to improve measures to ease the burden of crime on victims.* (Victims in the Criminal Justice System, May 29, 1998)

Through increased collaboration at both the Federal and Provincial levels over the past fiscal year, the concerns of victims of crime have received greater recognition. On the Federal level, the report of the Standing Committee on Justice and Human Rights Victims' Rights - A Voice, Not a Veto which resulted from the Federal consultations, provided 17 recommendations to improve the justice system response to victims of crime. The response of the Federal Minister of Justice to the report indicated that most of the recommendations were favourably received and that subsequent amendments to the *Criminal Code* can be expected within the next year.

On the Provincial level, the joint funding of Framework for Action Against Family Violence projects by Justice and Community Services; the development of joint protocols between Victims' Services and Corrections and RCMP; the partnership between MT&T Mobility, Bryony (Transition) House and Victims' Services for the provision of emergency cellular telephone service for high risk victims of domestic violence and stalking; and the involvement of Victims' Services in police recruit training are all examples of using our

combined resources in a collaborative way to enhance and improve our response to victims of crime.

OVERVIEW OF THE VICTIMS' SERVICES DIVISION '98/99

The Victims' Services Division assists victims of crime to have their needs and concerns addressed by the criminal justice system. The Division provides a voice for victims within the criminal justice system through advocacy and liaison on their behalf with all components of the system. In addition, the Division acts as a central source of information and advice to Government and others on issues affecting victims of crime. It is the primary resource within the Department of Justice to address the Department's strategic goal to "**offer a co-ordinated response to victims of crime**".

The specific goals of the Victims' Services Division are:

- to promote the rights and interest of victims of crime;
- to advise Government on issues relating to victims of crime;
- to provide province-wide standardized services for victims of crime;
- to facilitate an integrated and comprehensive approach in response to the needs of victims of crime.

The legislative authority for the Division and its services is the *Victims' Rights and Services Act* which was proclaimed in January 1990 and revised in 1992 to include Criminal Injuries Compensation.

The Victims' Services Division has a Provincial Office in **Halifax** and Regional Offices in **Dartmouth, Kentville, New Glasgow**, and **Sydney.** All Regional Offices are located within or adjacent to a courthouse facility and have specialized child-friendly waiting areas for children who are waiting to testify in court. Each office outside of metro Halifax has a toll-free 1-800 number to ensure accessibility to all programs. The Criminal Injuries Compensation Program also has a toll-free number available province-wide.

The Division offers standardized province-wide services through four core programs:

- Criminal Injuries Compensation Program provides financial compensation to victims of violent crimes committed in Nova Scotia for specific costs related to personal injury. Approximately 75% of compensation awards include counselling services. In most cases, applications for compensation must be made **within one year of the crime**;

- Regional Victims' Services Program provides information, advocacy and support for victims of crime within the criminal justice system;

- Child Victim Witness Program is a specialized component of the Regional Victims' Services Program for children who are required to testify in criminal proceedings. This

program, a portion of which is offered in the home, prepares the child for the court experience and provides support before, during, and after court hearings;

- Victim Impact Statement Program offers victims of crime the opportunity to provide a statement to the court which outlines the financial, physical and psychological/emotional impact of the crime. This program is provided through the Regional Victims' Services Offices.

In addition to the core programs, in 1998/99 the Division also embarked on a number of new initiatives.

Framework for Action Against Family Violence – Victim Support Projects

The Framework For Action Against Family Violence was initiated in 1995 as a Department-wide initiative under the direction of the Policy, Planning and Research Division. The Framework policy addressed criminal justice system response to violence between spouses or intimate partners including marriage, common-law, and dating relationships. Department of Justice funding for this initiative has been derived almost totally from the Victims' Assistance Fund. By the end of 1998/99 fiscal year, $1,035,772 had been expended from the fund for this initiative. In April 1998, the Victims' Services Division assumed responsibility within the Department of Justice for the funded project component of the Framework for Action. The projects are currently co-funded and co-managed by the Departments of Justice and Community Services.

In 1998/99, the Victims' Services Division, in conjunction with the Department of Community Services, completed a review of the eight community-based projects for provision of enhanced support for victims of spousal/intimate partner violence initiated under the Framework For Action. The review built on the results of the external review of the projects by Gardner/Pinfold, completed in November 1997, which highlighted an 'ideal model' of service.

Victims' 1st Emergency Cellular Telephone Pilot Program

Victims' Services, Bryony (Transition) House and MT&T Mobility have partnered to pilot a program for the provision of cellular telephone to enhance the safety of high risk victims of stalking and domestic intimate partner violence. With the cooperation of police and 911, the program was implemented in the Halifax Regional Municipality in September 1998. If the pilot is successful, it is hoped that the program will be expanded province-wide where cellular service is available.

PRISO (Production of Records in Sexual Offences) Pilot Program

The Victims' Services Division has implemented a pilot program to research and develop recommendations for the provision of legal representation for sexual assault complainants in

applications for production of their private therapeutic (medical and counselling) records in sexual offence proceedings. These applications are commonly known as 'O'Connor' applications based on a Supreme Court of Canada decision in 1995. The program provides protection for sexual assault complainants of their privacy rights and against use of O'Connor applications as intimidation by accused persons. Recommendations for the establishment of an ongoing program are dependent upon the results of the pilot and the decision of the Supreme Court of Canada in *R v. Mills* on the constitutionality of the present law on O'Connor applications.

HIGHLIGHTS FOR 1998/99

- Completed Framework For Action Against Family Violence Victim Support Service Projects Review;
- Submitted paper on victims rights to the Parliamentary Standing Committee on Justice and Human Rights;
- Implemented the Victims' 1st Emergency Cellular Telephone Pilot Program, in partnership with Bryony (Transition) House and MT&T Mobility, for high-risk victims of stalking and domestic/intimate partner violence;
- Implemented computerized case management and statistical record keeping program for the Regional Victims' Services Program;
- Developed and implemented joint protocols with Corrections regarding the notification to victims of the release of offenders from provincial correctional institutions;
- Developed and implemented joint protocols with RCMP for early referral of victims in cases of serious crime;
- Improved accessibility for victims of crime to Victims' Services Division services and increased the presence of Victims' Services staff in court facilities by establishing designated interview rooms in four court houses (Truro, Yarmouth, Port Hawkesbury and Halifax);
- Developed and delivered training on family violence/victim issues as a component of the Police recruitment training program delivered by Police and Public Safety Division;
- Criminal Injuries Compensation received **410** applications; granted **282** awards totaling **$382,791** in projected payouts; award expenditures for 98/99 fiscal year were **$490,093**;
- Regional Victims' Services Program served **3780** new clients; opened **3066** new case files for clients requiring ongoing service; provided **693** court preparation sessions (individual and group) to prepare victims of crime to testify in criminal court

proceedings; and provided court accompaniment to **324** victims, primarily children;

- Filed **325** Victim Impact Statements with the courts on behalf of victims of crime;
- Child Victim Witness Program received **516** referrals – a significant increase over last year (359);
- Victim Fine Surcharge revenue collected in 1998/99 was **$715,918**. Of that amount $118,114 was collected on overdue accounts through the Fines Collection Project.

NEW INITIATIVES AND GOALS FOR 1999/2000

- Complete a review of the Victims' 1st Emergency Cellular Telephone Pilot Program and, in partnership with Bryony House and MT&T Mobility respond to results;
- In partnership with the Department of Community Services, develop a service model for provision of community-based victim support through the Framework for Action on Family Violence;
- Complete a report on the PRISO Pilot Program and make recommendations regarding provision of legal representation for complainants in sexual offence proceedings in relation to production of their private records;
- Research and make recommendations to address barriers to the court ordering and enforcement of payment of restitution by offenders to victims of crime;
- Develop and implement victim awareness training modules for delivery in relation to the Department's Restorative Justice Initiative;
- Analyze and report on children's experience in the criminal justice system in Nova Scotia from data compiled by the Child Victim Witness Program since 1994.

♦ Regional Victims' Services ♦ Program

Regional Victims' Services Program was established seven years ago to provide direct service to victims of crime within the criminal justice system. Services are provided through four regional offices located in Dartmouth, New Glasgow, Sydney and Kentville. In addition, Victims' Services interview rooms have been established in court houses in Halifax, Truro, Port Hawkesbury and Yarmouth, to increase the presence of Victims' Services staff in court facilities. Each Regional Office outside of the Halifax metro area has a toll-free 1-800 number to ensure client accessibility to the service.

The Regional Program provides core services designed primarily to assist victims to deal with the court process: general information about the criminal justice system; specific information about their case; tracking of court decisions connected to the case; liaison with police, courts and Crown Attorneys; referrals to other services; assistance in applying for criminal injuries compensation and preparing victim impact statements. Throughout the process emotional support and short term counselling provide the foundation for service delivery. The number of clients using these services has steadily grown as the services have become more established and better known.

In order to accommodate the increased demand for service, the complement of permanent staff has been supplemented with the addition of approximately thirty Victims' Services Support Workers. The role of the Support Worker is based on the Assistant Probation Officer, a fee-for-service model utilized by Correctional Services over many years.

Although the primary role of Victims' Services Support Workers is to deliver the Child Victim Witness Program, they also provide services to adult clients and undertake other assigned tasks - all under the supervision of a Victims' Services Officer. The majority of the Support Workers have been with Victims' Services for almost two years. During the first year they completed an intensive training program and evaluations were completed every three months.

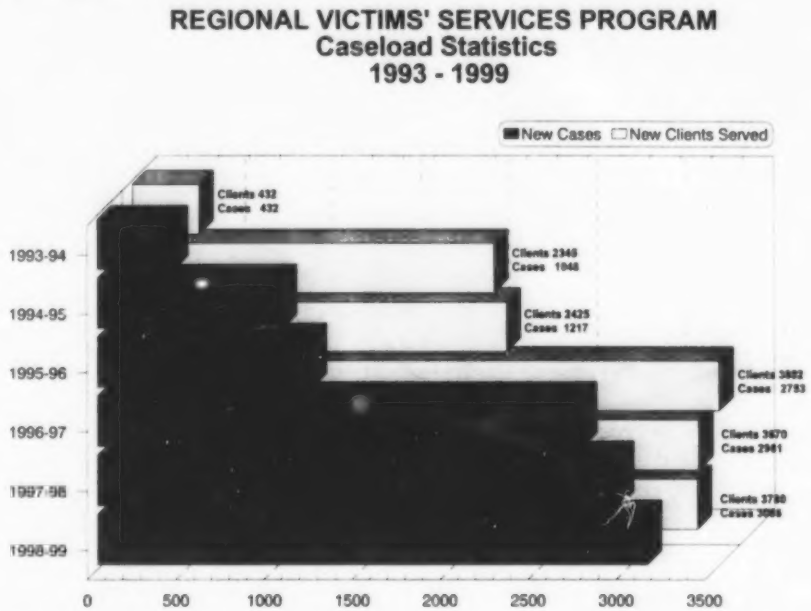
Professional development training and performance evaluations are now provided annually.

CLIENT/CASELOAD STATISTICS

As illustrated by **Chart 1,** during the first three years of the program the number of clients served through the Regional Victims' Services Program climbed steadily and then increased significantly as a result of the introduction of a proactive referral policy under the Department

of Justice Framework for Action Against Family Violence. When the policy was implemented in 1996/97 the number of referrals increased by over 50%. The number of new clients served last year was 3780, that was slightly higher than the previous year but roughly the same as in 1996/97. The majority of clients are either the actual victim of a crime or the immediate family members of murder victims. Of the 3780 new clients served in the past year, case files were opened on 3066 as they required ongoing service.

CHART 1: Caseload Statistics



As seen in **Chart 1**, the number of case files opened has been increasing since the program was introduced in 1993/94. During the past year, the number of cases opened increased to 3066, an increase of 105 from the previous year. Case files relate to a criminal charge or incident and not to an individual. It is therefore possible for there to be more than one file open on a client although this is not typical.

If contact with an individual was limited, i.e. less than three contacts, the file is designated as a brief contact. There were a total of 714 brief contact cases last year, often related to peace bond applications. These brief contact files are in addition to the 3066 ongoing new case files.

Office caseloads have continued to increase each year since the program was established. The average caseload of a Victims' Services Officer may be anywhere between 300-500 although there may be periods of inactivity on individual files while awaiting court proceedings. Files may be open for over two years since it can take that long, and sometimes even longer, for a case to move through the court process. An indication of the volume of interaction between the client and the program can be drawn from the fact that in 1998/99

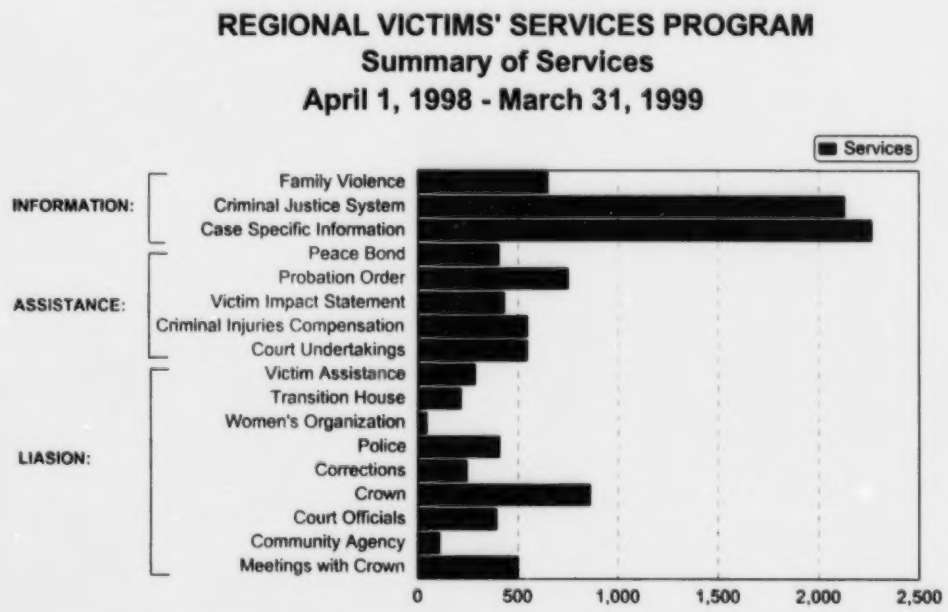
there were more than 26,000 individual client service contacts or an average of 7 per client. A client contact can last anywhere from several minutes to several hours and may require significant travel by Victims' Services staff due to the large geographic areas covered by each Regional Office.

CLIENT SERVICES

Each victim is unique. Victims have a broad range of community-based needs, including medical services, counselling, family and children's services and financial assistance, in addition to their needs relating to the criminal justice system. As previously stated, Regional Victims' Services provides assistance to victims primarily during the court process. The most frequent types of help required by victims, in addition to emotional support, are information, assistance with applications or court processes and liaison within the justice system.

Chart 2 shows that the most frequently requested information services were case specific information followed by general information on the criminal justice system and assistance in understanding the implications of Probation Orders. Liaison and arranging meetings with Crown Attorneys were also significant activities carried out on behalf of clients. As indicated by **Chart 2**, our experience supports the research literature which states that the services most wanted by victims of crime are information about the criminal justice process and to have their questions in that regard addressed.

CHART 2: Summary of Services



Note: Clients generally receive multiple services

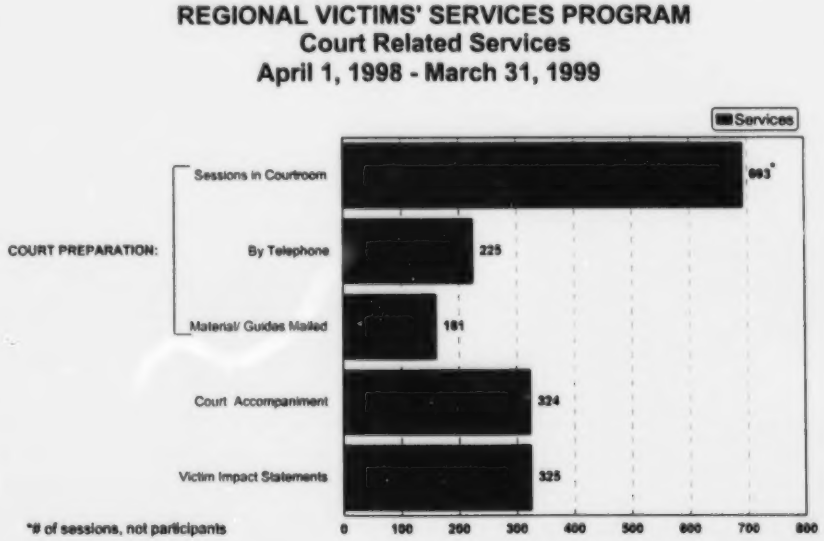
Victims who are required to testify in court are offered the opportunity to participate in a court preparation session. This involves a tour of the court room, information on the court process and advice on how to deal with emotional issues, such as nervousness and anxiety. The court preparation sessions establish familiarity with the court, give victims the opportunity to ask any questions that they may have and assist victims to be more confident in the witness role.

In the Halifax Metro area group court preparation sessions are offered on a monthly basis in each of the Provincial courts. In the rural areas court preparation is generally provided on an individual basis because of the smaller numbers of clients in rural areas and the fact that some courts may only open one day per week. For adult clients who have difficulty in traveling to a court location for court preparation, a Court Preparation Guide is mailed out and later reviewed with the client over the telephone.

Court accompaniment is always provided to child victims or witnesses but is not generally provided to adult victims. Usually court accompaniment is only provided for adults in cases where the victim/witness is highly traumatized and has no other support. When necessary, we are generally able to arrange for court support to be provided by our partners from other services to victims of crime. For example, court accompaniment is frequently provided by police-based victim assistance volunteers and by specialized victim services such as MADD (Mothers Against Drunk Driving) or Avalon Centre for victims of sexual assault.

Assistance with the preparation and filing of victim impact statements is another court related service provided by Victims' Services. This program will be discussed in detail later in this report.

CHART 3: Court Related Services

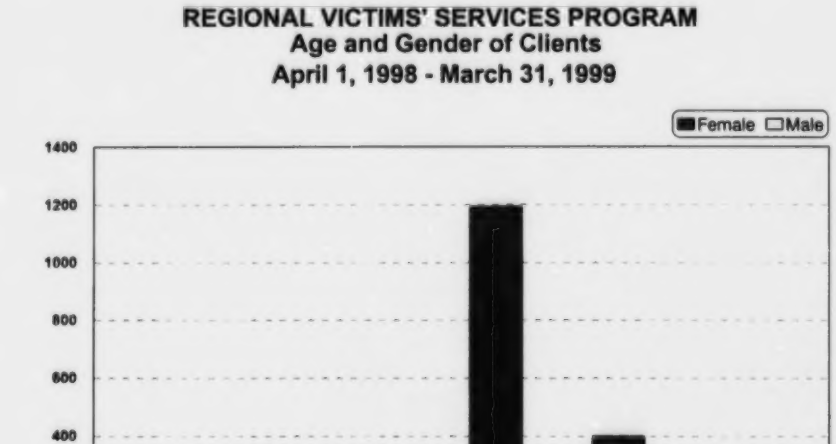


Many of the services offered by our Regional Offices can be provided by telephone (each office outside Halifax has a 1-800 number) and through the mail; however, staff also meet with clients, personally in the office, at court locations or in the community.

CLIENT PROFILE

The majority of clients (including children and adults) are female (2896 or 77.5%). This profile has remained constant since the program was established. As Regional Victims' Services gives priority to victims of spousal/partner violence and sexual assault, however, the prevalence of female clients is not surprising given that most victims of these types of offences are female. Most are in the 20 - 40 year age group but there are also a significant number in the 41 – 65 year category. The next largest group of clients is girls under the age of 19 years. The majority of those are children under 16 years who are served through the Child Victim Witness Program which will be profiled later in this report.

CHART 4: Age and Gender of Clients



n= 2856 (age unknown = 907)

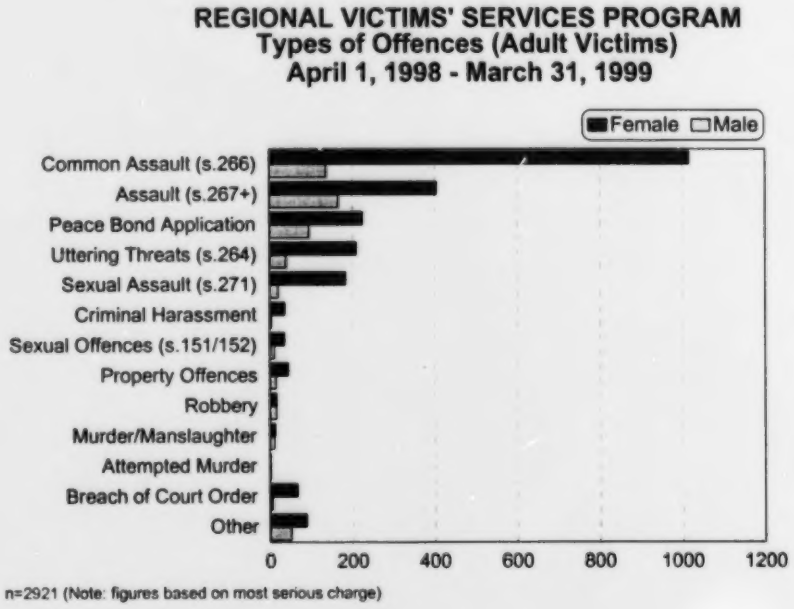
TYPES OF OFFENCES (ADULT VICTIMS)

Regional Victims' Services gives priority to victims of violence and to other highly traumatized victims, such as children and the elderly. In addition, in accordance with the Department's Framework for Action Against Family Violence, a particular focus is placed on service provision to victims of spousal/intimate partner violence. It is therefore not

unexpected to see that Common Assault against female victims (1017) was the most frequent category of offence dealt with by the program. The next largest category was the more serious assault charge and again the majority of Victims' Services' clients in these cases were women (406 female:167 male).

Again, in relation to offences against women, the number of Uttering Threats charges dealt with by the Regional Program is increasing (1997/98 - 170; 1998/99 - 251). This could indicate an increase in that type of offence; increased reporting of the offence; an inclination by police to lay more charges; or increased referral of those offences to Regional Victims' Services. In relation to the most serious of violent crimes, murder/manslaughter and attempted murder, the number of cases dealt with last year was very similar to the previous year (16 murder/manslaughter cases and 6 attempted murders compared to 18 and 4 in the previous year).

CHART 5: Types of Offences (Adult Victims)

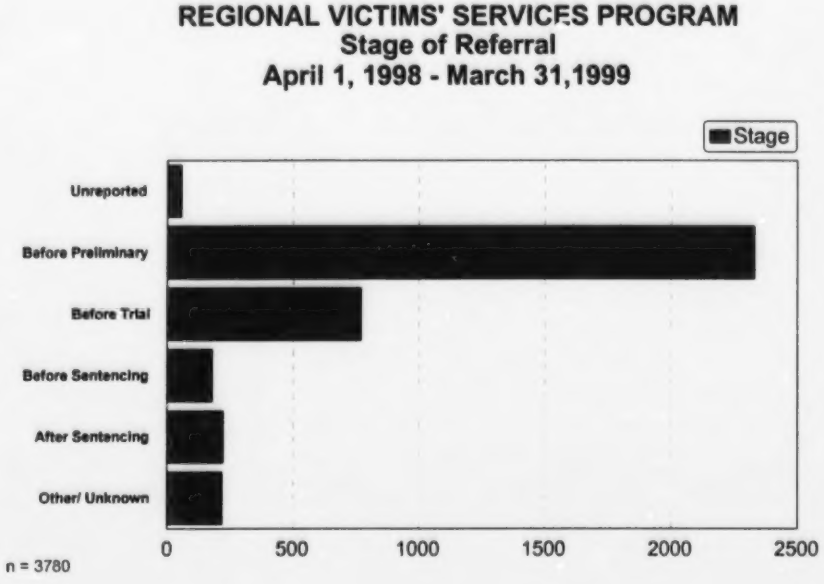


STAGE OF REFERRAL

The primary mandate of Regional Victims' Services is to assist victims of crime through the criminal justice system process. In most instances that involves providing information about the court process, tracking the client's specific case and giving support and assistance during the court stage. Accordingly, most referrals are received prior to the beginning of court proceedings - before the preliminary hearing or before trial. In cases of serious crime,

particularly homicide, referral is made earlier - at the Reported to Police stage - in order to enable victims to apply for financial help, such as funeral expenses, or counselling through Criminal Injuries Compensation. In other instances, a later referral might be made to explain a sentence, such as the content of a Probation Order, or to facilitate linkage with Correctional Services following a custodial sentence.

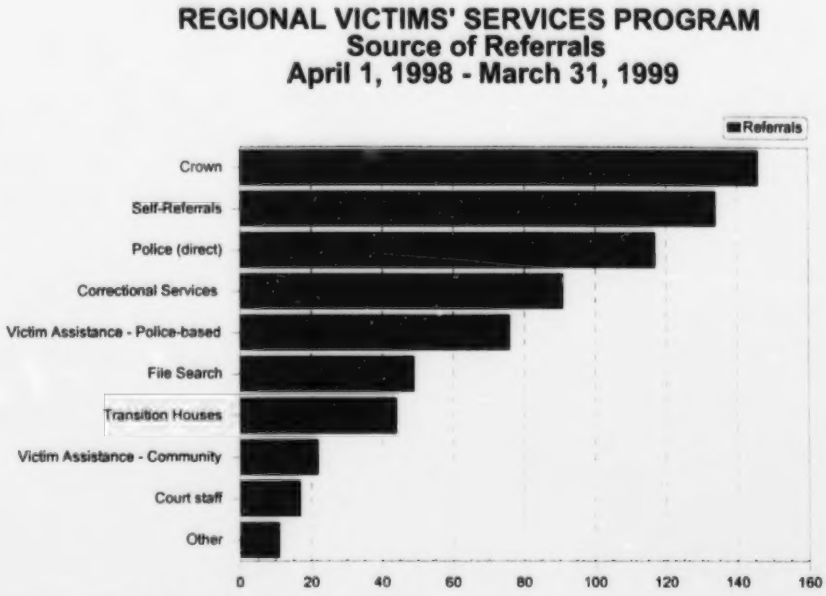
CHART 6: Stage of Referral



SOURCE OF REFERRAL

As can be seen in **Chart 7,** the majority of referrals to Victims' Services were made by the Crown, closely followed by self-referrals and direct referrals from police officers. However, if direct referrals from police were combined with referrals from police-based victim assistance workers, then police become the largest referral source. It is also possible that many of the self-referrals were initiated by police although there is increased awareness of Victims' Services in the general community. In relation to spousal/partner violence, referrals from police and the Crown are covered in policy under the Framework for Action Against Family Violence which mandates referral to a victim service program.

CHART 7: Source of Referral



n = 708 (cases for which this information was available)

FRAMEWORK FOR ACTION AGAINST FAMILY VIOLENCE

The Department of Justice Framework for Action Against Family Violence, established in 1995, introduced mandatory training on family violence for all justice workers and implemented a pro-arrest, pro-charge, pro-prosecution policy in dealing with spousal/partner abuse. All divisions within the criminal justice system developed specific policies to support the Framework. The policy of Regional Victims' Services in relation to the Framework is to make personal contact with victims of spousal/partner abuse within two working days of receiving the referral.

The Framework for Action Against Family Violence defines spousal/intimate partner abuse as:

> *all forms of violence committed by spouses or partners in an intimate relationship, whether they be legally married, living together in a common-law relationship or dating. It can include physical, emotional and economic threats, including threats to children, friends, pets, property, stalking, harassment and every other form of violence.*

As can be seen in **Chart 8**, spousal/partner abuse cases comprised half of all cases opened last year.

CHART 8: Spousal/Intimate Partner Abuse - Percentage of Caseload

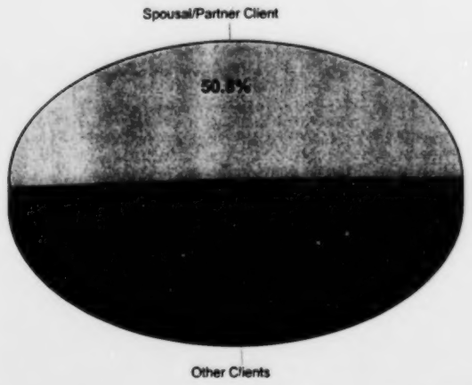
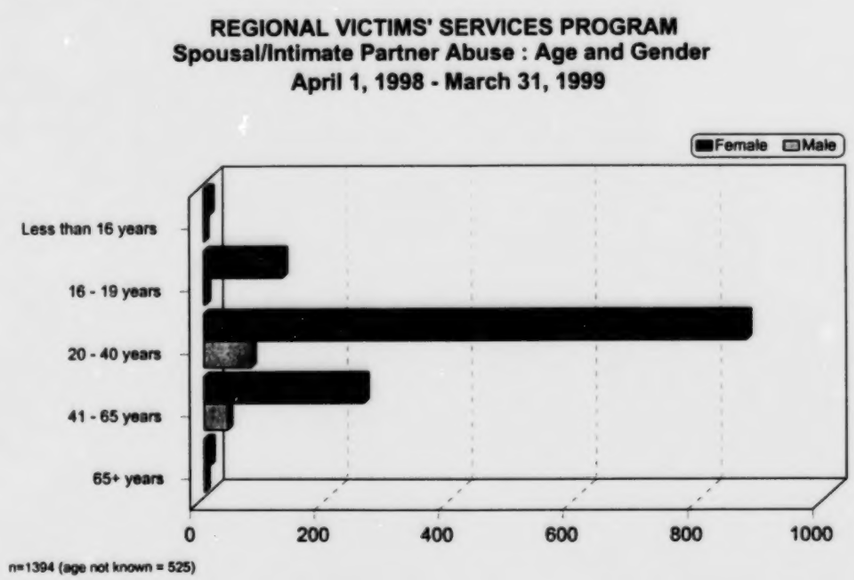


Chart 9 profiles the age and gender of all clients of spousal/partner abuse and shows that almost half (49%) were women between the ages of 20 - 40 years and that 65% were between 20 – 65 years.

CHART 9: Spousal/Intimate Partner Abuse - Age and Gender



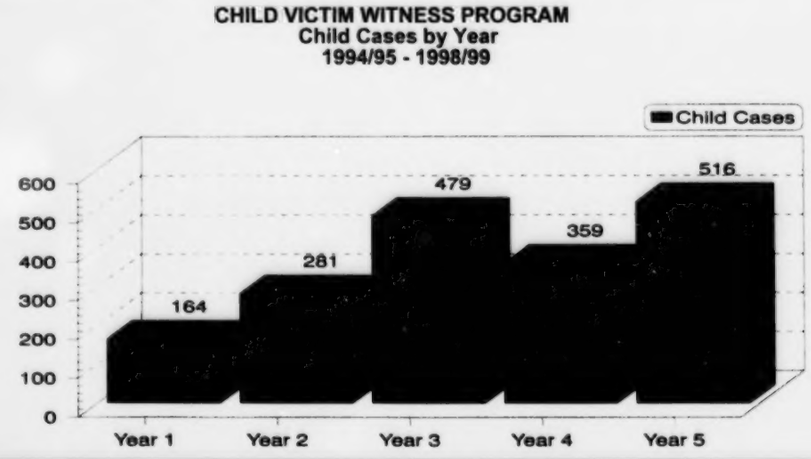
Child Victim Witness Program

Child Victim Witness Program is a specialized program providing non-evidentiary court preparation for children under the age of sixteen who have to testify in court. The program serves child witnesses as well as child victim/witnesses. The program consists of individual sessions with the child and parent or support person. The first session, lasting approximately an hour, usually takes place in the child's home. The second session takes place in the court room and often includes a meeting with the Crown Attorney. The program provides court accompaniment during the actual court hearings; assistance in preparing a victim impact statement; a debriefing session at the end of each court hearing where the child testifies; and referrals or liaison with other services.

CHILD CASES BY YEAR

The number of children referred to the Child Victim Witness Program grew steadily during the first three years of the program but decreased in the fourth year. Some of the decrease may have been attributable to the decrease in the age of eligibility for the children's program from 18 to 16. Based on the experience of the program, it was determined that young persons between 16 and 18 who were called to testify in court could be better served through the general court preparation provided to adults rather than through the specialized children's program.

CHART 10: Child Cases by Year

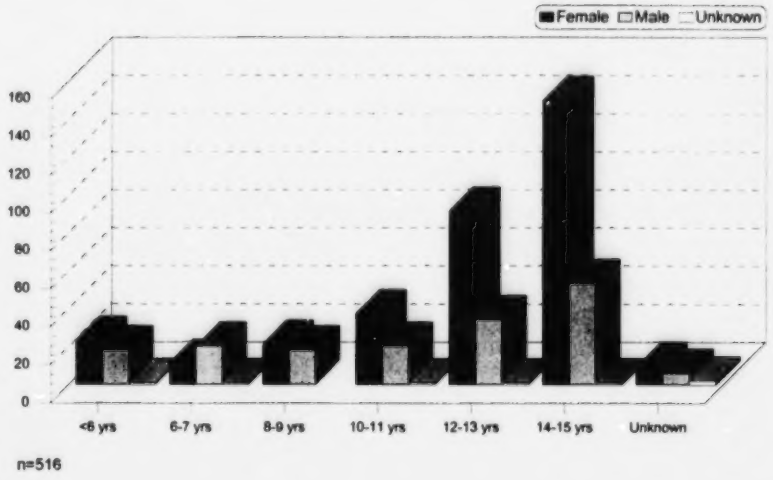


As can been seen from **Chart 10**, there was a considerable increase in referrals last year - an increase of 157 cases over the previous year. Referrals are made by Children's Aid Societies, Family and Children's Services, police, Crown Attorneys and by self-referral, usually through a parent.

AGE/GENDER OF CHILDREN

The profile of children served has remained relatively unchanged since the program's inception. The largest group of children are girls between the age of 12 and 15 years of age. As shown on **Chart 11**, in 1998/99 more girls than boys were seen in each age group except for the 6 – 7 years category. Of the 516 children referred to the program last year, 66% were girls.

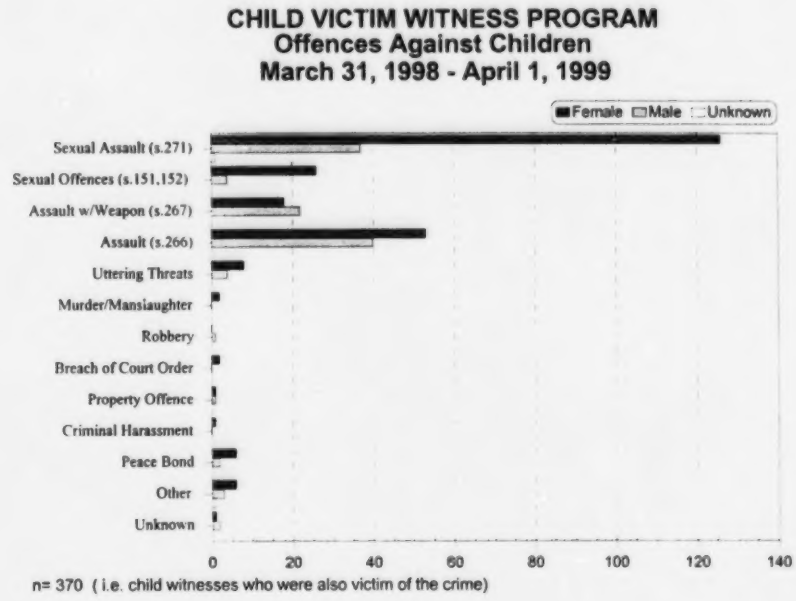
CHART 11: Age and Gender of Children



OFFENCES AGAINST CHILDREN

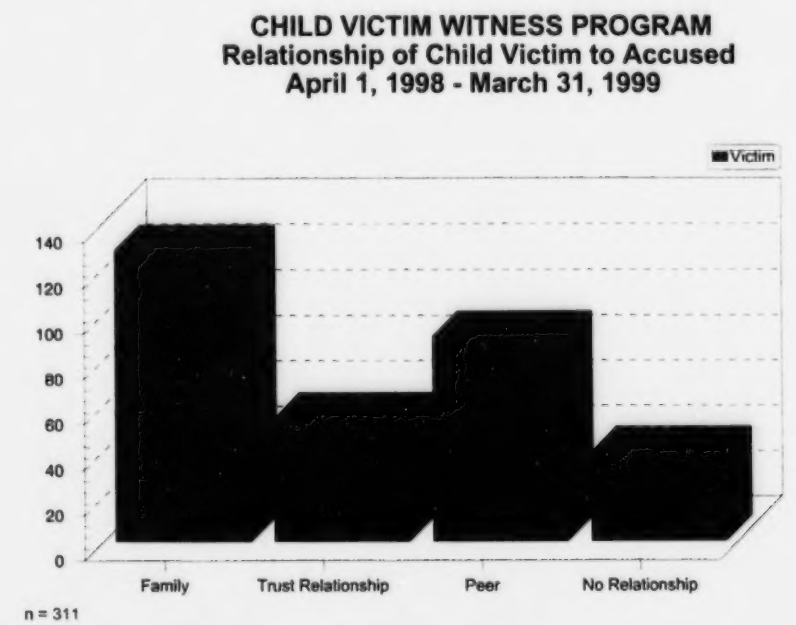
The most common type of offence committed against child victim/witnesses referred to our program is sexual assault followed by physical assault. More girls than boys are likely to be the victims of sexual assault charges according to the information gathered through the program. Up until last year statistics indicated that boys were more likely to be victims of physical assault but, as can be seen by **Chart 12**, that was not the case last year when in fact more girls (53 girls to 40 boys) were victims of common assault than boys.

CHART 12: Offences Against Children



n= 370 (i.e. child witnesses who were also victim of the crime)

CHART 13: Relationship of Child Victim to Accused.



n = 311

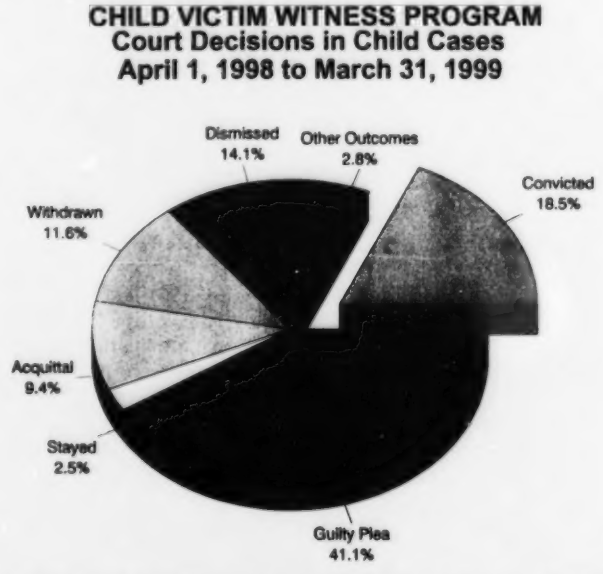
RELATIONSHIP OF CHILD TO ACCUSED

As indicated in the previous chart, the majority of accused in child cases are family members, specifically male family members. This is a consistent finding in the data collected since the program's beginnings. Last year 35% of accused in child cases had a familial relationship with the victim. This category includes parents, siblings, the intimate partner of a parent and other relatives. Other trust relationships, which includes babysitters, family friends, and activity leaders, also form a significant category of accused for the children referred to the program. The second largest category of accused are peers. This group consists of children of about the same age as the victim, for example friends or schoolmates. The person most feared by parents, the stranger - included in the No Relationship category - was in fact the smallest group of accused.

CASES DECISIONS

Chart 14 shows the outcome of 278 child victim/witness cases involving 325 charges which were concluded in the past year. Approximately 28% of the charges were dismissed, withdrawn or stayed. In the majority of those cases the child would not have testified in court. It can be very difficult for a child and family to understand court decisions where the case does not proceed. Especially when those decisions appear to have been made at the last moment, such as the day of the trial. In most instances the children would have been prepared and would have expected to testify. The accused pled guilty in relation to 40% of the charges. Of the remaining cases, the accused was found guilty in 18% and acquitted in less than 10%.

CHART 14: Court Decisions in Child Cases

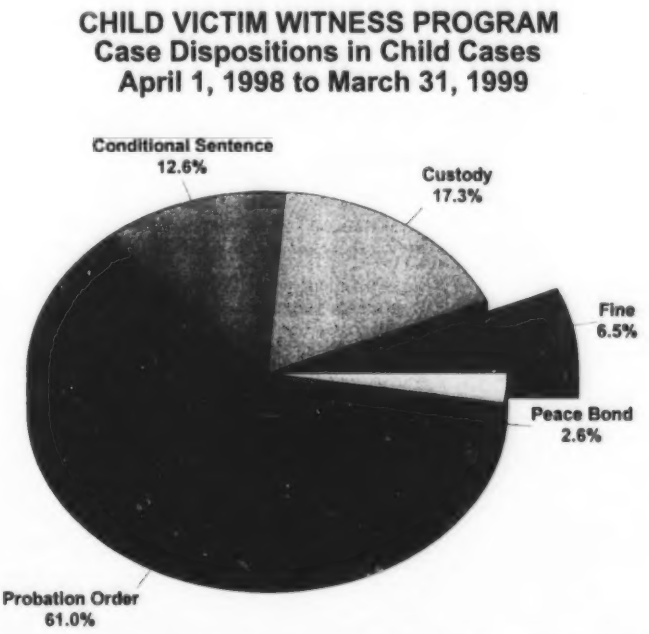


n=319 charges (other outcomes may include: accused at large; diversion; plea overturned; Peace Bond)

CASE OUTCOMES

In the 180 cases in which a disposition for sentence was rendered in the past year, the most common disposition (54%) was a Probation Order. This percentage is similar to previous years. Probation Orders contain conditions which may include attendance in specific programs, such as anger management or sex offender treatment, or orders to stay away from the victim. Sentences can include Probation Orders as well as periods of custody, conditional sentences and fines. Dispositions which include more than one of the above are quite common.

CHART 15: Case Disposition in Child Cases



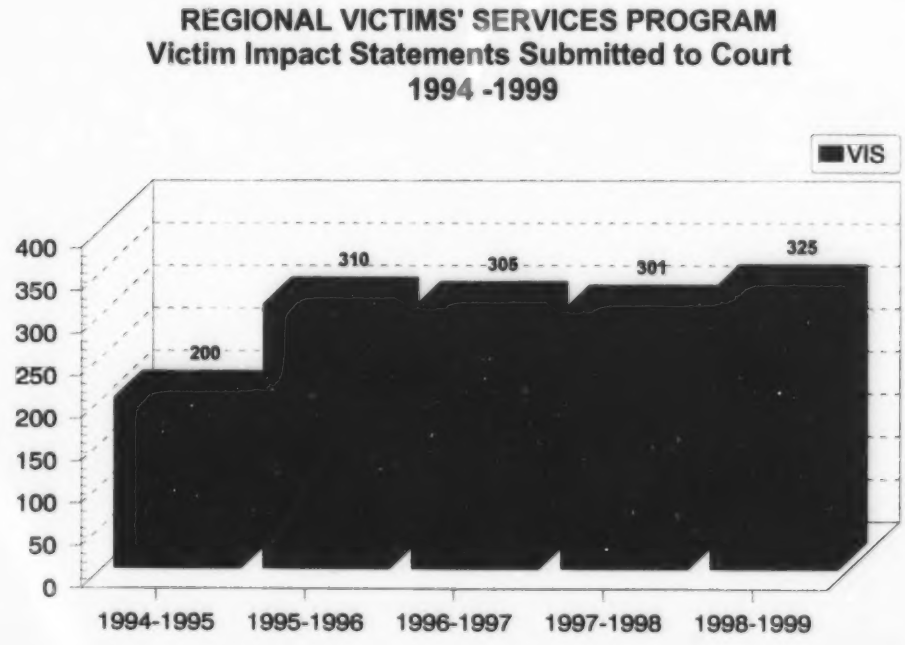
n=232 (outcomes on 180 cases - there may be more than one outcome on a case where there is more than one charge)

◆ Victim Impact Statement Program ◆

The Victim Impact Statement Program became a designated program under the Victims' Services Division in 1994. In accordance with S. *722* of the *Criminal Code*, the victim impact statement is a written statement prepared voluntarily by the victim which describes the financial, physical and emotional/psychological impact of the crime. If a statement has been prepared by the victim, the court must take it into consideration in determining an appropriate sentence for the offender. Victims' Services Officers inform victims of their right to submit a victim impact statement; distribute the packages and provide assistance in completing them; and submit the statements to the court on the victims' behalf.

During the past year 489 victim impact statement packages were distributed to clients who indicated an interest in submitting a statement to the court. Of that number, 325 statements were completed and filed with the court. As shown on **Chart 16** this was slightly higher than the number filed in previous years.

CHART 16: Victim Impact Statements Submitted to Court



Victim impact statements provide an opportunity for the victim to have a voice in the criminal justice process. It provides the court with information on how the crime has affected the individual. In addition, in cases where a custodial sentence has been imposed, the victim impact statement is forwarded with the offender to the correctional institution. The information in the statement is considered in developing the inmates' case management plan during sentence and for release planning and parole hearings.

Criminal Injuries Compensation Program

Criminal Injuries Compensation in Nova Scotia was established in 1981. Its' aim is to acknowledge the harm done to the person injured as a result of violent crime, and to assist in easing the victim's financial burden by paying for certain personal injury costs resulting from the crime. Property damage is not covered by the compensation program.

The Criminal Injuries Compensation Board administered the compensation scheme under the *Compensation for Victims of Crime Act* from 1981 until 1992. In 1992, the *Compensation for Victims of Crime Act* was repealed, and effective April 28, 1992, the *Victims' Rights and Services Act* was amended to include provisions for Criminal Injuries Compensation. The Criminal Injuries Compensation Board was replaced with a centralized administrative program under the jurisdiction of the Victims' Services Division. The legislation provided the Director of the Victims' Services Division the authority to make decisions on applications for compensation. In addition, financial awards for pain and suffering were replaced by counselling service awards.

Counselling is provided by private counselling practitioners within the community who are approved counsellors with the Criminal Injuries Compensation Program. Approved counsellors must meet the following criteria:

- employment history as a professional counsellor;
- university degree in a counselling disipline;
- supervised practicum in counselling from a recognized educational institution;
- current membership in a professional association;
- two reference letters from qualified counselling professionals;
- letter of clearance from police;
- completed child abuse register check;
- proof of current liability insurance.

All documentation must be received before the counsellor will be considered for placement on the approved counsellor list. Liability insurance and membership in a professional association with a code of ethics and standards of practice with regard to counselling must be updated on an annual basis.

Funding for Criminal Injuries Compensation is provided through the Consolidated Revenue Fund for the Province.

PROGRAM INFORMATION

Who can claim compensation?

A person who has suffered personal injury as a result of an eligible crime which occurred in Nova Scotia may qualify for compensation. Although applicants are usually the direct victim of the crime, secondary victims such as family members of murder victims or those who suffer post traumatic stress disorder from witnessing the crime often apply for counselling. Compensation may also be provided to persons who were injured while attempting to prevent the commission of a crime.

How can you apply for compensation?

Applications for compensation can be obtained through any office of the Regional Victims' Services Program or the office of the Criminal Injuries Compensation Program. Each of the Regional Offices outside metro Halifax as well as the Criminal Injuries Compensation Program have toll-free numbers that can be accessed from any area of the province. Completed applications are forwarded to the Criminal Injuries Compensation Program.

Applications for children under the age of 16 years must be signed by the parent or legal guardian of the child. Applicants between the ages of 16 and 18 must have the application for compensation signed by both the applicant and a parent/guardian. There is no cost to the applicant for filing an application.

Applications are to be made within one year of the date of the criminal injury.

This one year filing requirement can be extended in exceptional circumstances. Special exceptions in the time to apply may be made in relation to children or in sexual assaults where the accused was in a position of trust or authority with respect ot the complainant.

What requirements have to be met in order for compensation to be granted?

A report must be made to the police and the applicant must cooperate fully with the police investigation and prosecution of the offence. There must be sufficient evidence to determine the applicant was injured as a result of an eligible crime in order for compensation to be granted. Compensation may be granted in some instances in which charges were not laid or a guilty verdict was not rendered.

The crime must be an offence under the *Criminal Code of Canada* as detailed in the Schedule of Offences in the *Victims' Rights and Services Act*. Eligible crimes include physical assault, sexual assault and murder. Although the crime must have occurred in Nova Scotia, the applicant does not have to be a resident of Nova Scotia to apply for compensation.

What factors are taken into consideration when determining eligibility for compensation?

- Was the crime reported to the police?
- What was the outcome of the police investigation?
- Did the police lay charges against the accused?
- Is the applicant the person injured?
- Was the applicant injured as a result of a Scheduled Offence under the *Act*?
- What was the outcome of the court proceedings?
- Did any behavior of the applicant directly or indirectly contribute to the incident?
- Did the applicant cooperate in the investigation and prosecution of the offence?
- Was the applicant involved in the commission of an offence during the incident?

When will a decision be made?

A decision will usually be made when the police have completed their investigation and the program has obtained a written report from the police. If the information received from the police and/or other sources such as medical documentation contains conflicting evidence regarding the incident or does not provide sufficient evidence for the Director to determine that a crime within the Schedule of Offences covered by the program has been committed, or that the injuries clearly resulted from the criminal offence, the program will await the outcome of the court proceedings before making a decision. Likewise, if there are indications that the applicant may not cooperate with the investigation and prosecution of the offence or if it appears that the behavior of the applicant may have contributed directly or indirectly to the incident, a decision may be delayed until the court outcome is determined.

Once a decision is made, if the applicant does not agree with the decision, the applicant can appeal the decision to the Nova Scotia Utility and Review Board. An appeal must be filed within 30 days of receipt of the Director's decision.

What loss categories may be considered for payment?

Certain costs resulting from the criminal injury such as lost income, certain uninsured medical and dental expenses, and funeral expenses can be paid by the program. The program also provides awards to pay for counselling services from qualified practitioners within the community.

Compensation may be awarded as lump sum or periodic monthly payments. The maximum limits are $30,000 in lump sum and $1,000 per month in periodic payments. If both lump sum and periodic payments are awarded, only one (but not both) may exceed half of the maximum. Where the award is determined to be less than $50.00, no compensation is awarded.

What offences, losses or injuries does the program *not* cover?

The following are some of the offences, losses or injuries not covered by the program:

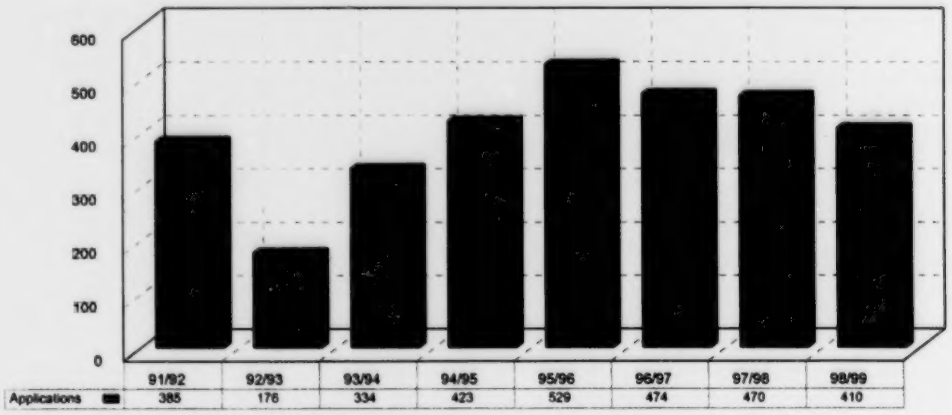
- Offences which occurred outside of Nova Scotia;
- Injuries not directly caused by the criminal offence;
- Stolen money, or loss of or damage to property, including a car or home;
- Legal fees or costs;
- Injuries covered by other sources such as insurance or by the Nova Scotia Workers' Compensation Program;
- Any offence not listed in the Schedule appended to the *Victims' Rights and Services Act.*

1998/99 STATISTICAL REVIEW

There were a total of 410 applications received by the Criminal Injuries Compensation Program between April 1, 1998, and March 31, 1999. This represents a slight decrease (16%) in the number received last fiscal year (474). The number of awards made has plateaued and remained fairly constant over the past three years (277; 287; 282).

CHART 17: Applications Received By Year

CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received By Year
1991/92 - 1998/99



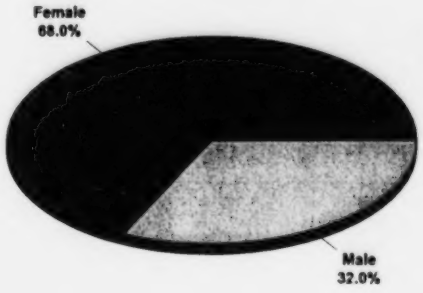
	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99
Applications	385	176	334	423	529	474	470	410

GENDER OF APPLICANTS

In 1998/99, the majority of applicants (68%) were female. This finding is consistent with 1997/98 figures (71% female, 29% male). Since 1992, the majority of applicants under the compensation program have been female. This finding is in contrast with the previous Board process where the majority of applicants were invariably male.

CHART 18: Applications Received by Gender

CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received By Gender
April 1, 1998 - March 31, 1999



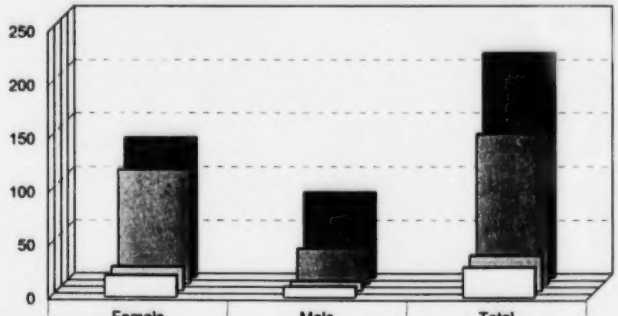
n = 410

OFFENCE TYPE AND APPLICANT GENDER

The most common type of offence reported by a victim regardless of gender was physical assault (51% of all applications received). Of applications received in relation to physical assault 62.2% were submitted by female victims. In 63% of applications received from female victims of physical assault, the accused was a spouse or intimate partner. These findings are quite consistent with 1997/98 results: 46.8% of applications received were for physical assault, 66.8% were from female victims, and 68% of these female victims reported the accused as a spouse or intimate partner.

CHART 19: Applications Received by Type of Offence and Gender

CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received By Type of Offence and Gender
April 1, 1998 - March 31, 1999



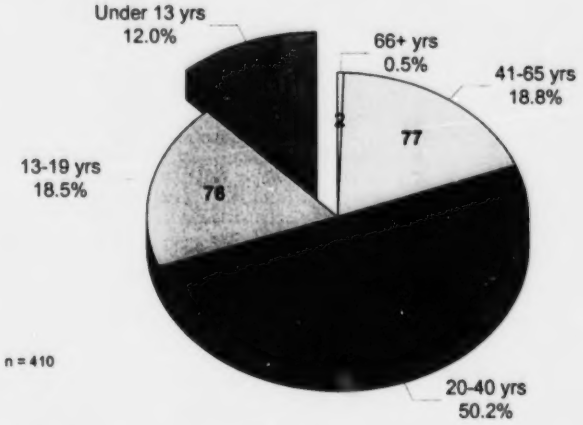
	Female	Male	Total
Other	20	10	28
Murder	22	9	33
Sexual Assault	107	33	140
Physical Assault	130	79	209

APPLICANT AGE

The majority of applicants (50.2%) were between the ages of 20 and 40 years when they applied for compensation as compared to 45% in this age group last year. There was a decrease in applicants under the age of 19 from 36.5% in 1997/98 to 30.5% this year.

CHART 20: Applications Received by Age

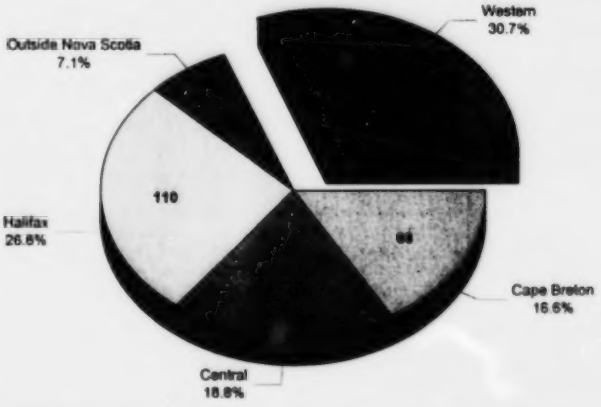
CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received By Age
April 1, 1998 - March 31, 1999



APPLICATIONS BY REGION AND COUNTY

CHART 21: Applications Received by Region

CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received By Region
April 1, 1998 - March 31, 1999



The majority of applications per region were received from the Western region (30.7%) followed by the Halifax region (26.8%). Consistent with 1997/98 and 1996/97, the three counties from which the highest number of applications were received were Halifax, Cape Breton and Kings.

CHART 22: Applications Received by County

County	Applications Received	Percent
Halifax	110	28.9
Cape Breton	53	13.9
Kings	41	10.8
Pictou	28	7.4
Hants	28	7.4
Colchester	25	6.6
Lunenburg	23	6.0
Cumberland	16	4.2
Annapolis	10	2.6
Digby	9	2.4
Inverness	7	1.8
Queens	7	1.8
Yarmouth	7	1.8
Antigonish	6	1.6
Richmond	4	1.0
Victoria	4	1.0
Guysborough	2	0.5
Shelburne	1	0.3
Total N.S.	**381**	**100%**
Outside N.S.	**29**	
TOTAL APPLICATIONS	**410**	

FAMILY RELATIONSHIPS

In keeping with the Department of Justice focus on family violence, for the past two years the Criminal Injuries Compensation Program has tracked family relationship between the accused and the applicant. Of all applications received in 1998/99, 141/410 or 34.4% reported a family member as the offender in the case. The family member most commonly reported as the offender in each of the past two years was the husband of the applicant (31.2% in 1998/99 and 24.2% in 1997/98). In both years, the husband, father and common-law spouse were ranked as the most common family relationship between the applicant and accused.

CHART 23: Applications Received where the Accused was a Family Member

Offender	Number of Applications	Percent
Husband	44	31.2
Father	29	20.6
Common-Law Spouse	12	8.5
Uncle	10	7.0
Cousin	9	6.3
Brother	8	5.6
Step-Brother	6	4.3
Step-Father	6	4.3
Grandfather	5	3.5
Son	3	2.1
Brother-In-Law	2	1.4
Mother	2	1.4
Wife	2	1.4
Foster Parent	2	1.4
Ex-Husband	1	1.0
TOTAL APPLICATIONS	**141**	

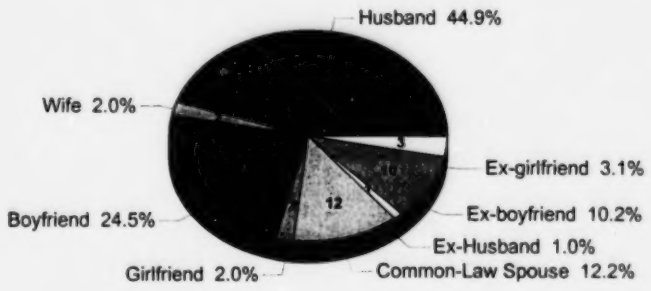
(34.4% of Total Applications Received)

SPOUSE/INTIMATE PARTNER RELATIONSHIP

The Framework for Action Against Family Violence defines spouse or intimate partner as marital partners (including common-law spouse), as well as dating partners. There were 98 applications received by the program in which the accused was a spouse or intimate partner of the victim (23.9% of all applications received). The majority (44.9%) reported the husband of the applicant as the offender, followed by the boyfriend of the applicant (31.7%). These figures are consistent with last year in that husband/boyfriend were the most common categories of accused in spousal/intimate partner violence.

CHART 24: Applications Received where Accused was Spouse/Intimate Partner

CRIMINAL INJURIES COMPENSATION PROGRAM
Applications Received Where Accused was Spouse/Intimate Partner
April 1, 1998 - March 31, 1999



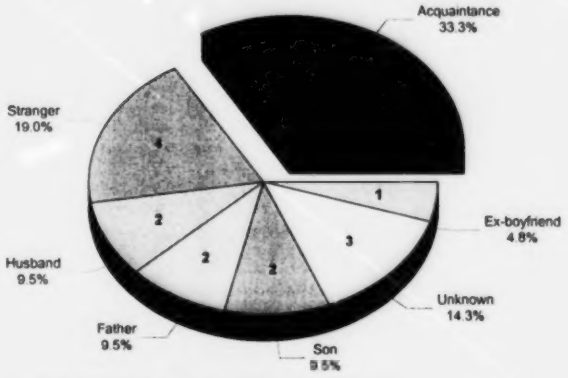
n = 410 [# applications where accused was spouse/intimate partner = 98 (23.9% of total received)]

RELATIONSHIP IN MURDER CASES

Thirty-one applications were received by the program in relation to 21 murders which occurred in Nova Scotia. In at least 67% of these murder cases, the accused was known to the victim. In 1998/99, 1.4% (3/21) of these murders were allegedly committed by an intimate partner of the victim, whereas in 1997/98, 43% (6/14) of murder cases recorded by the program were allegedly committed by an intimate partner of the victim. In 1998/99, the most commonly reported accused in a murder case was an acquaintance of the victim (33.3% of cases).

CHART 25: Victim/Accused Relationship in Murder Cases

CRIMINAL INJURIES COMPENSATION PROGRAM
Victim/Accused Relationship in Murder Cases
April 1, 1998 - March 31, 1999



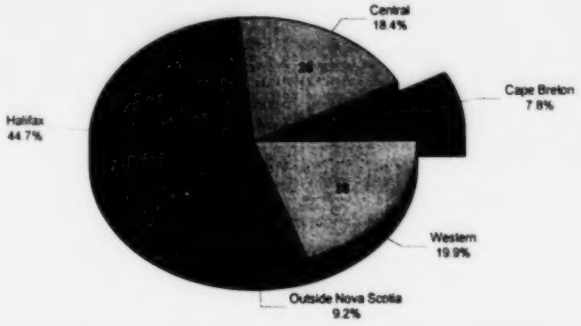
n = 21 (Note: 31 applications received in relation to 21 murders)

APPROVED COUNSELLORS

As of March 31, 1999, the Criminal Injuries Compensation Program had a total of 141 approved counsellors (124 in 1997/98). Most of the approved counsellors (128/141 or 90.8%) provide service in Nova Scotia. The largest increase in counsellors occurred in the Western region with 9 new counsellors added to the approved counsellor list since 1997/98. While the majority of counselling awards (34.5%) were granted to applicants from the Western region in 1998/99, only 19.9% of approved counsellors provide service in that area. In contrast, 44.7% of the counsellors provide service in the Halifax region, while only 24% of counselling awards were granted to residents of Halifax County. Cape Breton continues to be the county with the least number of approved counsellors (11/141 or 7.8%) although the program granted 13.4% of counselling awards to Cape Breton applicants in 1998/99.

CHART 26: Number of Approved Counsellors by Region

CRIMINAL INJURIES COMPENSATION PROGRAM
Number of Approved Counsellors By Region
April 1, 1998 - March 31, 1999

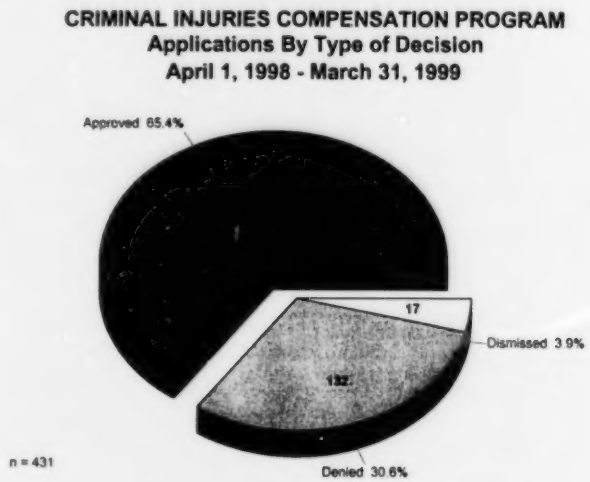


n = 141

DECISIONS

A total of 431 decisions were made by the Director of Victims' Services on CIC applications during the 1998/99 fiscal year. Of those decisions, 65.4% (282) were approvals for compensation which is consistent with 1997/98 figures (63.2% approved).

CHART 27: Applications By Type of Decision



DENIALS

A change in administrative procedure to redefine the dismissal and denial categories resulted in a statistical increase in the number of denials versus dismissals but the percentage of denials/dismissals together has decreased in the past year. These two categories together represented 34.5% of decisions in 1998/99 - down from 36.8% in 1997/98.

CHART 28: Reasons for Application Denials

Reason for Denial	# Applications Denied
No proof of eligible offence	79
Behavior of applicant	14
Application not received within one year of crime/injury	14
Applicant did not cooperate with law enforcement agency	8
Other	6
Ineligible secondary victim	4
Referred to Workers' Compensation Board	4
Eligible claim under minimum limit ($50.00)	3
TOTAL APPLICATIONS	**132**

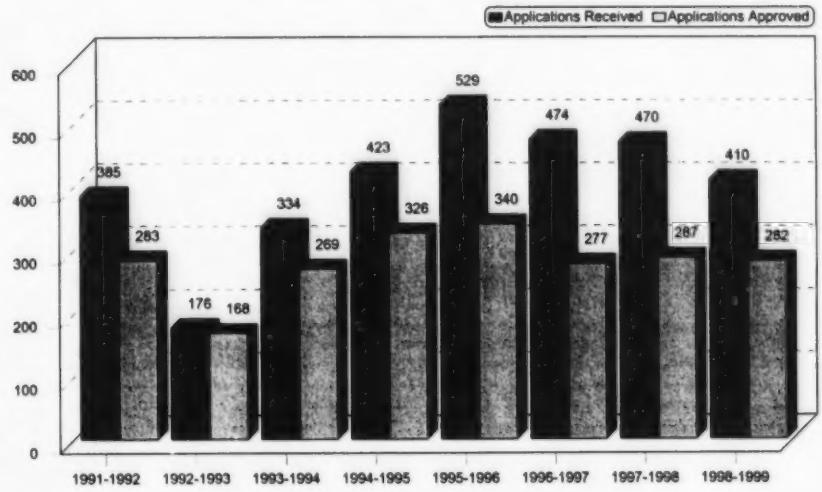
A total of 132 applications were denied by the program in 1998/99. In the majority of denied applications (60%), there was insufficient evidence to conclude on the preponderance of evidence that the applicant was the victim of an eligible criminal offence, or that injuries resulted from an eligible criminal offence, or the crime/alleged crime committed was not covered by the program in accordance with the Schedule of Offences appended to the *Victims' Rights and Services Act*.

NUMBER OF AWARDS

In 1998/99, 282 applications were approved by the Program. This figure is comparable to last fiscal year in which 287 applications were approved.

CHART 29: Approved Applications By Year

CRIMINAL INJURIES COMPENSATION PROGRAM
Approved Applications By Year
April 1, 1998 - March 31, 1999



AWARDS BY OFFENCE AND APPLICANT GENDER

Of awards granted in 1998/99, 49.4% were in relation to physical assault (*CC 266, 267, 268*). This represents an increase of 15.8% from 1996/97, and an increase of 4.9% from 1997/98. Of awards granted for physical assault in 1998/99, 65.5% were awarded to females.

Sexual offences (*CC 271, 272, 273, 151, 152, 153*) account for 37% of awards granted which is consistent with 1997/98 figures. Awards were granted to females in 79.8 % of awards made in relation to sexual offences. This represents an increase of 12.2% in awards granted to female victims of sexual offences since 1997/98.

Murder, manslaughter, and attempted murder represent 10% of awards granted. This percentage is down slightly from 1997/98 (12.8%) and 1996/97 figures (12.7%).

Female applicants received 72% of 1998/99 awards. Indeed, the Program consistently receives the majority of applications from females. Of the awards granted to female applicants in 1998/99, 44.8% of these applicants were victims of physical assault, and 40.9% were victims of a sexual offence. Male applicants represent 28% of total awards granted (1997/98 = 29.4%). Of awards given to male applicants, 60.7% were in relation to physical assault, while 26.6% of awards were granted for sexual offences.

CHART 30: Approved Applications By Criminal Code and Gender

C.C. Offence	Description of Offence	Female	Male	Total	Percent
271	Sexual Assault	75	16	91	32.3
266	Assault	68	14	82	29.1
267	Assault with Weapon or Causing Bodily Harm	20	25	45	15.9
235	Murder	18	6	24	8.5
268	Aggravated Assault	3	9	12	4.2
151	Sexual Interference	4	3	7	2.5
220	Causing Death by Criminal Negligence	3	1	4	1.4
239	Attempted Murder	2	1	3	1.0
272	Sexual Assault with a Weapon	2	0	2	0.7
269	Unlawfully Causing Bodily Harm	1	1	2	0.7
152	Invitation to Sexual Touching	1	1	2	0.7
264	Criminal Harassment	2	0	2	0.7
86	Dangerous Use of Firearms	2	0	2	0.7
273	Aggravated Sexual Assault	1	0	1	0.4
153	Sexual Exploitation	0	1	1	0.4
236	Manslaughter	0	1	1	0.4
279	Kidnapping	1	0	1	0.4
	Total	**203**	**79**	**282**	**100%**

AWARD CATEGORIES AND AMOUNTS

The program granted 282 awards averaging $1,357.42 each with a projected overall payout of $382,791.62. These figures represent a significant decrease in projected payout from 1997/98 ($707,576.74). This reduction may be attributed to the decline in awards granted for child maintenance and spousal maintenance. In 1998/99, only 5 awards were granted for child maintenance (projected payout of $17,163.50) whereas in 1997/98, the program granted 15 child maintenance awards (projected payout of $231,154.00). In addition, the program did not grant any awards for spousal maintenance in 1998/99; however, in 1997/98, 3 awards for spousal maintenance were granted.

Counselling was included in the award for 77% of approved applications. While the number of dental awards increased to 20 from 18 in 1997/98, the amount awarded this fiscal year ($12,901.37) was significantly lower than that awarded in 1997/98 ($26,167.64). A similar situation is found with medical/pharmaceutical awards. In 1998/99, 25 awards for a total award amount of $3,408.48 were granted for this category. In 1997/98, only 15 awards were granted for medical costs but the award amount equaled $7,358.01. Factors which may have influenced these inverted results may be a lesser degree of injury incurred by the victim and/ or financial coverage carried by the victim.

CHART 31: Approved Awards by Category

Award Category	Award Amount	# Occurrences
*Counselling (1)	$217,000.00	217
Funeral/Burial	$75,220.51	16
*Counselling (2)	$21,000.00	21
Child Maintenance	$17,163.50	5
Travel (Medical, Dental, Counselling)	$14,131.97	38
Dental Fees	$12,901.37	20
Damaged Clothing	$5,966.01	48
Lost Income	$5,760.01	20
Other	$4,477.27	31
Moving Expenses	$4,000.00	2
Medical/Pharmaceutical	$3,408.48	25
Child Care (Medical, Dental, Counselling)	$1,762.50	14
Total	**$382,791.62**	**457**

There was a notable decrease in the amount awarded for lost income in 1998/99 ($5,760.01-1998/99; $44,752.69 - 1997/98). This decrease may be attributed to a number of factors: a substantial award was granted to one applicant in 1997/98 (paid out in 1998/99); other income coverage carried by the victim which is deducted from compensation which could be payable (e.g. wage loss insurance, employment insurance benefits, social assistance); a lesser degree of injury incurred by the victim resulting in a shorter period of incapacity.

AWARD EXPENDITURES

The total award expenditures for 1998/99 was $490,093.00. This amount represents a 0.7% increase in spending in comparison with 1997/98 ($486,926.00).

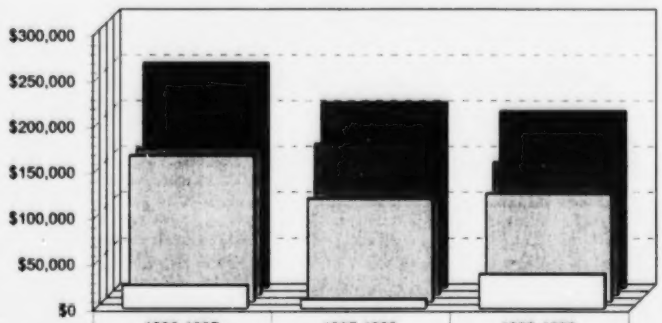
Overall, the program has been experiencing a slight decline in expenditures in counselling, *support services, and *periodic payments since 1995/96. This reduction in expenditures may be expected since the number of applications received per year since 1995/96 has also experienced a decline.

*Support Services - including medical/pharmaceutical, dental, funeral/burial, travel, moving, damaged clothing, child care, other.

*Periodic Payments – ongoing monthly payments for child maintenance, spousal maintenance, lost income, and medical expenses.

CHART 32: Award Expenditures

CRIMINAL INJURIES COMPENSATION PROGRAM
Award Expenditures
1996/97 - 1998/99



	1996-1997	1997-1998	1998-1999
Lost Income	$24,833	$9,633	$37,184
Counselling	$158,701	$111,624	$117,169
Support Services	$158,516	$163,873	$143,763
Periodic Payments	$244,736	$201,796	$191,977
Total	**$586,786**	**$486,926**	**$490,093**

CRIMINAL INJURIES COMPENSATION PROGRAM DECISIONS

The following are a sample of Criminal Injuries Compensation Program decisions in 1998/99:

Physical Assault
File # 97/11-324

The applicant was physically assaulted by his cousin and received injuries in the facial area, with particular damage to his teeth and one of his eyes. The offender was convicted on the charge of assault causing bodily harm, *Criminal Code Section 267*. The applicant did not have any other financial coverage for costs resulting from his injuries.

The following compensation award was approved by the Director of Victims' Services:

Dental Fees	$1,620.00
Counselling	$1,000.00
Travel to attend approved dental & medical appointments	$ 626.98
Damaged Glasses	$ 245.00
Damaged Clothing	$ 95.00
Prescription Costs	$ 85.00
Ambulance Fees	$ 60.00
TOTAL	**$3,7321.98**

Sexual Assault
File # 98/04-001

The applicant reported that she had been sexually abused by her brother over a number of years. At the time the application was submitted to the program, the accused was awaiting trial on a charge of sexual assault, *Criminal Code Section 271(1)(a)*. Information was obtained from the police and the Director of Victims' Services determined on the preponderance of evidence that the applicant was a victim of sexual assault, and approved the application for compensation.

The following compensation award was granted:

Counselling	$1,000.00
Travel to attend Counselling	$ 324.00
TOTAL	**$1,324.00**

Murder
File # 98/10-235

The applicant in this case was an 18 year old who was attending university at the time her parents were murdered. The accused was charged with first degree murder, *Criminal Code Section 235*, and the case was pending a preliminary hearing at the time the application was submitted.

Child maintenance payments are payable through the program at a maximum of $196.00 per month until age 18. This payment can be extended to age 21 if the applicant is in full time attendance at an approved educational institution. In this case, the applicant was in full time university for two months following the death of her parents.

The maximum payable for funeral expenses through the program is $6,000.00 (not including HST). A portion of the funeral costs were covered by the deceased's insurance plan.

The following award for compensation was approved by the Director of Victims' Services:

Funeral/Burial Costs	$5,099.88
Counselling Fees	$1,000.00
Child Maintenance	$ 392.00
TOTAL	**$6,491.88**

Insufficient Evidence of an Eligible Criminal Offence/Insufficient Evidence of Injuries Resulting from an Eligible Criminal Offence
File #98/09-209

The applicant applied for compensation for costs resulting from an alleged physical assault by an acquaintance of the applicant. A report was made to police, but no charges were laid by police. There were no witnesses to the incident. The applicant, however, initiated his own private prosecution and a charge of common assault, *Criminal Code Section 266(b)* was laid against the accused. When the matter went to trial, the applicant offered no evidence to the court and the accused agreed to a peace bond order for no contact with the applicant for a period of a year.

The Director of Victims' Services reviewed the police report, court outcome, and medical documentation on file and determined that, on the preponderance of evidence, there was insufficient evidence of an eligible criminal offence or injuries resulting from an eligible criminal offence. The applicant appealed this decision to the Utility and Review Board, and the decision of the Director was upheld by the Board.

Contributory Behavior
File # 98/02-406

The applicant applied for compensation for costs resulting from a physical assault. He suffered facial injuries and incurred dental costs as a result of the assault. The accused was charged with assault causing bodily harm, *Criminal Code Section 267.*

The evidence received from police, the applicant, and witnesses to the incident indicated that the applicant was involved in a consensual fight.

The *Victims' Rights and Services Act* provides that compensation is payable where an applicant is injured by an act or omission of a person in the commission of an offence, which is set out in the Schedule to the *Act.* In determining whether to award compensation, the Director is required to consider all circumstances relevant to the making of an award, including any behavior of the person injured which directly or indirectly contributed to that person's injury.

The Director of Victims' Services determined that the behavior of the applicant directly contributed to the applicant's injuries, and the application for compensation was denied.

♦ Victims' Services Division ♦
Special Initiatives 1998/99

FRAMEWORK FOR ACTION AGAINST FAMILY VIOLENCE – Victim Support Projects

Framework for Action Against Family Violence was initially implemented in September, 1995 as a Department-wide initiative under the direction of the Policy, Planning and Research Division. The mandate of the Framework was to improve the response of the justice system to incidents involving spousal/intimate partner violence. A pro-arrest, pro-prosecution policy was adopted, and specific procedures were developed by Police, Crown Attorneys, Court, Corrections, and Victims' Services.

To support the Framework for Action Against Family Violence, eight Victim Support Service Projects were funded for an eighteen month period by the Department of Justice from the Victims Assistance Fund, beginning in April, 1996. The projects were co-managed by the Departments of Justice and Community Services. An independent review, completed by Gardner Pinfold Consulting Ltd. in December, 1997, was conducted to assess the relevance, success, and cost-effectiveness of the projects, and to determine the extent to which the funding program met its objectives.

Objective of the Projects

The objective of the Victim Support Service Project funding was to provide enhanced services to victims of family violence to support their participation in the justice process. Assistance to victims to support the pro-arrest, pro-prosecution policy was intended to reflect inter-agency coordination and to address gaps in service at the local level. The following is a list of projects and annual funding amounts:

Sponsor Funding Amount

Bridgewater Police Department (Lunenburg/Queens Counties), Bridgewater	$35,000.00
Bryony House (Halifax Transition House Association), Halifax	$70,000.00
Cape Breton Inter-Agency on Family Violence, Sydney	$70,000.00
Chrysalis House Association, Kentville	$52,500.00
Cumberland County Transition House Association, Amherst	$26,668.00
RCMP 'H' Division, Colchester/East Hants Project, Truro	$35,000.00

RCMP 'H' Division, Yarmouth/Shelburne/Barrington Project, Barrington	$35,000.00
Tearmann Society for Battered Women, New Glasgow	$52,500.00

Review Mandate

Funding for the Victim Support Service was extended for the fiscal year 1998/99, with the provision that a review be completed to determine the continued relevance of the service. It was agreed the projects would be co-managed and co-funded by the two departments. Victims' Services assumed responsibility for the projects within the Department of Justice in April, 1998.

Project Guidelines were developed, based on the recommendations contained in the Gardner Pinfold report. Funding to the projects for 1998/99 was approved based on proposals submitted according to the *Project Guidelines*.

For the purpose of the 1998/99 review continued relevance of the projects was defined as proactive response, meeting client need during the early intervention stage of the criminal justice process, coordinated follow up with other community agencies, and non-duplication of service with existing programs. These aspects, in conjunction with an assessment of the cost effectiveness of the service, formed the basis of an appraisal of the service to victims provided by the projects through the Framework for Action Against Family Violence.

Projects were involved in the design of the review and provided the majority of the data from their case files. The review was completed in March, 1999.

Results of the Review

The study concluded that although, in general, the projects provided a proactive response as defined in the Gardner Pinfold report there were some notable deviations where lengthy response times were reported. The definition of proactive required projects to develop referral mechanisms with police, and this occurred in five of the eight projects. In many projects this required having project coordinators search police files for referrals. While this process provided the advantage of identifying clients who might not have been served otherwise, it may be viewed as counterproductive as this relieves police agencies of the responsibility of actively referring victims of spousal/intimate partner violence to a victims' services program as required by policy under the Framework for Action Against Family Violence.

It was evident from the study that the overall service was primarily a telephone service related to client needs for information and emotional support. To a lesser extent, the projects also provided safety planning and case advocacy. Overall, projects reported providing follow up services more frequently than early intervention services, with services being coordinated with other agencies in just over half of the cases. There was little indication from the data received of immediate response/crisis intervention having been provided.

Funding to the initiative supported cases both within, and outside of the Framework for Action. Nearly one quarter of the cases served under this initiative fell outside of the funding mandate. In only 64% of the sample was the case reported to involve intimate partners or another family relationship.

The average cost of the service per case was $235.83. The projects spent 4.2 hours per case, with 3.1 of these hours on average being devoted to client contact, Projects reported that on average 53.1% of time was spent on service delivery, 35.6% on administration, and 11.3% on travel. It was concluded that a significant portion of the funding was being diverted from client service to support the management and administration of a separate project structure.

There was a lack of clarity on how the work is defined as distinct from services provided by Transition House Outreach programs, RCMP Victim Assistance programs, and Provincial Victims' Services. An examination of the core services provided by these agencies revealed the projects provided a similar rather than enhanced service, a finding made evident by the data in the study. With the exception of case advocacy, which was a reported need in 30% of sample cases, the services provided by the projects were within the mandate of existing agencies. Eighteen percent of community agencies indicated services of the projects were a duplication of services already existing. Client confusion in distinguishing the services was also noted by service providers.

This study concluded that while the projects are primarily offering a service to victims of spousal/intimate partner violence, when relevance was defined as proactive response, meeting client need during the early intervention stage of the criminal justice process, coordinated follow up, and non-duplication of service, the relevance of the service as currently structured, is in question. Though response was generally proactive, there was often an extended period between referral and client contact, the service was most often provided as a follow-up rather than an early intervention service, and not all cases indicated police involvement, or reportedly involved intimate partners or any family relationship. Finally, as the services provided were primarily services offered by existing agencies, duplication in service was evident.

Next Steps

Based on the results of the review, a consultative process with the projects will be initiated by the Departments of Justice (Victims' Services Division) and Community Services to identify a service model for enhanced victim support which reflects the critical success factors and builds on the experience of the projects. Efforts will be made to ensure victim access to service province-wide; to eliminate duplication of service with existing agencies; and to optimize resources for service delivery as opposed to administration.

VICTIMS 1st EMERGENCY CELLULAR TELEPHONE PILOT PROGRAM

Victims 1st Emergency Cellular Telephone Pilot Program was launched in the Halifax Regional Municipality in June, 1998 through partnership of Bryony (Transition) House, MT&T Mobility, and the Victims' Services Division of the Department of Justice.

The program was designed to offer added protection to high risk victims of stalking and domestic/intimate partner violence by supplying them with free cellular telephones to facilitate access to 911 emergency services during times of extreme risk.

Twenty five cellular telephones were made available during the pilot phase, with 22 distributed to Bryony House for use by female victims, and three to the Dartmouth Regional Victims' Services Office for use by male victims.

The program was piloted in the Halifax Regional Municipality with the support of the Halifax Regional Police Service and the RCMP. MT&T operators, 911 call takers, and police dispatchers in the Halifax Regional Municipality received briefings on the program.

Numerous consultations were held with the 911 call takers within the pilot area, and with the Manager of the 911 Program regarding the "flagging system" whereby clients would be identified by 911 call takers as "DVV" (domestic violence victims). This designation was intended to alert police agencies and initiate a system for police to retrieve Subject Information.

It was stressed that clients under this program would receive the same protection as any other member of the public would receive when making a cellular call to 911. Under this program however, police would be alerted in advance of potential high risk situations and have been provided with a completed "Subject Information" form. Prior to the implementation of the pilot it was determined that, due to the technical aspects of the 911 service, and the possibility of clients traveling outside of the pilot area, it would be necessary to provide the Subject Information form to all police agencies within the province. This was arranged in consultation with the Police and Public Safety Division, Department of Justice.

A decision regarding expansion of the program on a province-wide basis was to be made following a review of the pilot phase.

Program Overview

While the primary client referral sources were expected to be the police and transition houses, referrals were also expected from other social agencies within the Halifax Regional Municipality. It was expected the program would be accessed when staff of distributing agencies assess that all other methods of protection are inadequate and there is an extremely high risk that the victim may be physically harmed.

Clients were admitted into the program based on an established eligibility criteria, and the cellular telephones were issued for a two month period. Initial placements were extended based on the circumstances of the situation and telephone availability. A list of criteria for program termination was developed and explained carefully to clients during the application process.

Partnership roles were defined to support the program design. MT&T Mobility supplied the cellular telephones and cellular telephone service at no cost to victims, Bryony House, or the Victims' Services Division. Bryony House (female victims) and the Dartmouth Regional Victims' Services office (male victims) assessed client eligibility, assisted with and approved applications, distributed and retrieved the cellular telephones, and forwarded applications and updated information to Victims' Services. Victims' Services acted as the contact for MT&T Mobility, received client application forms, transferred client information to police agencies, received follow-up calls from clients on a bi-monthly basis, and compiled statistics on the program for evaluation purposes.

Cellular Telephone Distribution

During the period September 15 - March 31, 1999, cellular telephone distribution was as follows:

Total number of clients in the program (initial two month placement)	26
Number of extensions	15
Number of terminations	6
Number of current clients	20

At the conclusion of the review period all cellular telephones had been distributed by Bryony House. No cellular telephones had been distributed to male clients by Dartmouth Regional Victims' Services office. It was reported that the current number of cellular telephones is sufficient to meet the demand. Further, it was indicated Bryony House would not have the resources to handle additional clients at this time.

There have been no calls made to 911 by clients using cellular telephones under this program to date.

Program Review

A program review involving questionnaires distributed to clients, program partners, and police and 911 personnel, will be completed in the summer of 1999 to assess the feasibility of expanding the service on a province-wide basis.

PRISO (Production of Records in Sexual Offences) PILOT PROGRAM

In June 1998 the Victims' Services Division implemented a pilot program for the provision of legal representation for sexual assault complainants in relation to applications for production of their medical, therapeutic and counseling records in sexual offence proceedings. The pilot program was developed in response to a Supreme Court of Canada decision (*R. v. O'Connor*) in December 1995 which established guidelines for these applications, generally referred to as O'Connor applications. In May 1997, the *Criminal Code* was amended to codify the process and complainants were granted standing before the courts regarding O'Connor applications.

As it is not the role of the Crown Attorney to represent the victim, and the interest of the Crown and the complainant may conflict with reference to production of the complainant's private records, complainants require their own legal representation for records production applications made in accordance with *S. 278.3* of the *Criminal Code*. The pilot program was developed in response to a concern that the lack of protection against disclosure of a complainant's private therapeutic records could discourage some victims of sexual assault from reporting the offence or participating in the prosecution. In addition, records production applications could be used by the accused to intimidate the complainant.

In June 1998, approval was granted to fund a pilot program from the Victims' Assistance Fund in the amount of $100,000 for a twelve month period or until the funds are expended, whichever is sooner. Although the *Criminal Code* provisions relate to a wide-range of private records, the pilot program provides legal representation only in relation to medical/ therapeutic/counselling records as those are generally viewed as the most intrusive. As well as providing legal representation, the purpose of the pilot is to assess the need and to make recommendations for appropriate parameters for such a program.

In August, a lawyer was contracted on a part-time basis for a period of six months to develop and operate the program. The contract was not renewed in February, 1999, due to the limited number of applications that proceeded to the point of a court hearing. Since that time, requests for legal representation have been handled through Legal Aid providing certificates for lawyers and billing back to the Victims' Services Division for their services.

Up to March 31, 1999, the program had received 14 requests for legal representation and 11 were approved. Two of the denials were because the records sought were outside of the parameters of the program (child welfare and school records) and one was for a non-sexual offence (criminal harassment) which is not covered by the records production provisions in *S. 278.2* of the *Criminal Code*. Six of the approved requests for legal representation did proceed to a hearing. At the conclusion of the fiscal year approximately $33,000 had been expended for the program. Recommendations for an ongoing program are dependent upon the decision of the Supreme Court of Canada in *R. v. Mills* in which the constitutionality of the present law is being challenged.

CHART 33: Legal Representation Requested

Requested	Approved	Denied	Reasons Denied	Heard in Court
14	11	3	Child Welfare Records School Records Non Sexual Offences	6

♦ Victims' Assistance Fund ♦

Victims' Assistance Fund was established on January 1, 1990, when the *Victims' Rights and Services Act* was proclaimed in force. Revenue for the Fund is generated through a victim fine surcharge on both Federal and Provincial offences. The surcharge applies to fine and non-fine dispositions.

S. 737 of the *Criminal Code* requires that the surcharge be imposed at sentencing in relation to all offences under the *Criminal Code* or the *Controlled Drugs and Substances Act. S. 7* of the *Victims' Rights and Services Act* applies the surcharge to all Provincial offences with the exception of parking offences or offences under the *Young Persons Summary Proceedings Act.* The surcharge can be waived in relation to any offence if the offender demonstrates to the court that payment would cause undue hardship. If the surcharge is waived, the court is required to provide reasons on record for the exemption.

Where the disposition of the court includes a fine, the amount of the surcharge on the fine is up to a maximum of 15% on Federal offences and a set 15% on Provincial offences. On non-fine dispositions, the Federal surcharge can be up to $10,000 but it is currently set by regulation at $35. There is no victim surcharge on Provincial offences where no fine is imposed; however, the *Victims' Rights and Services Act* does allow for a surcharge on non-fine dispositions to be prescribed by regulation.

Revenue generated by the Federal and Provincial surcharge provisions is deposited by the courts into a trust account with the Provincial Department of Finance. The Fund is administered by the Director of the Victims' Services Division. As prescribed by the *Victims' Rights and Services Act*, expenditures from the Fund require the approval of the Governor-in-Council and must be for research, promotion or provision of services to victims of crime. Unlike some other provinces, in Nova Scotia the surcharge cannot be used as general Provincial revenue or to directly provide compensation to individual victims of crime.

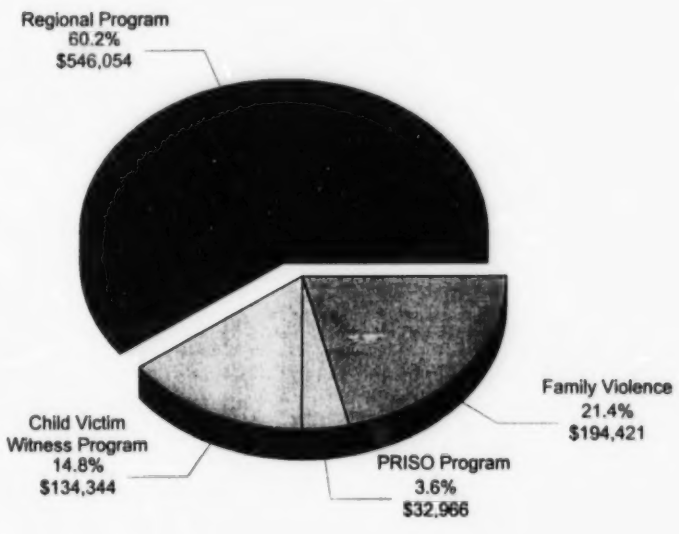
The Victims' Assistance Fund provides the resources on an ongoing basis for the Child Victim Witness Program and salaries for the Regional Victims' Services Program. Currently, the Regional Program salaries are an annual commitment from the Fund while the Child Victim Witness Program is supported from surplus revenue in the Victim's Assistance Fund. Beginning in the fiscal year 2001/2002, the children's program will require annual funding and that commitment, together with the annual commitment to the Regional Program, will absorb all of the revenue generated by the surcharge on an annual basis. Unless there is an increase in surcharge revenue, the Victims' Assistance Fund will no longer generate the surplus revenue which has traditionally been used to fund new initiatives.

The Framework for Action Against Family Violence is a major initiative funded through the surcharge since 1995. To date, expenditures from the Fund for the Framework have totaled $1,035,772. One new initiative funded this past year was the PRISO Pilot Program which provides legal representation for sexual assault complainants in criminal proceedings with regard to production of their private therapeutic records.

Although the amount of surcharge collected in 1998/99 was $715,918, expenditures from the fund for the same period totalled $907,785.

CHART 34: Victims' Assistance Fund, Expenditures '98/99

VICTIMS' ASSISTANCE FUND
Expenditures
April 1, 1998 - March 31, 1999



Unfortunately, the amount of surcharge generated has been well below the amounts initially projected when the relevant provisions came into force in 1989 and 1990 respectively. Total revenue and interest generated from August 1, 1989, to March 31, 1999, is $7,651,361. Of that amount, expenditures and commitments total $7,398,330 leaving $253,031 in uncommitted funds. The following chart illustrates total expenditures and commitments from the Fund between 1989 and 1999 according to category.

Chart 35: Victims' Assistance Fund, Expenditures & Commitments, August 1/89 to March 31/99

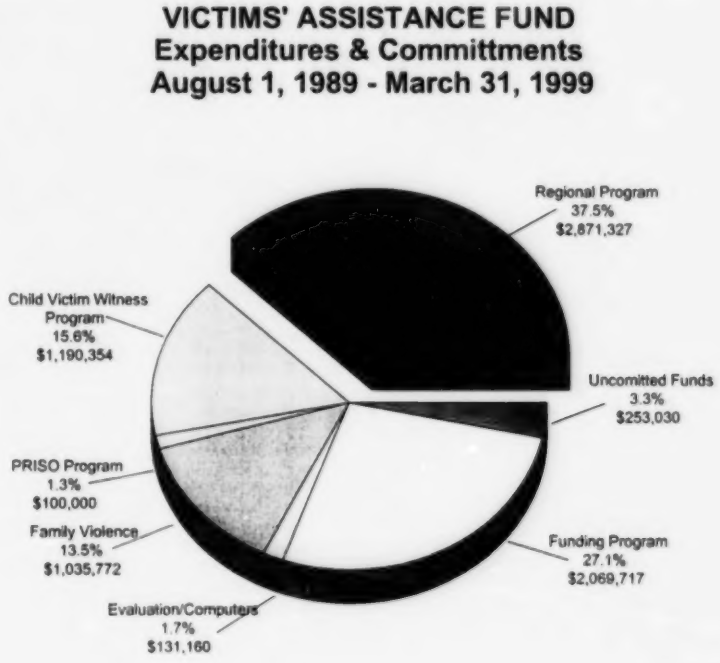
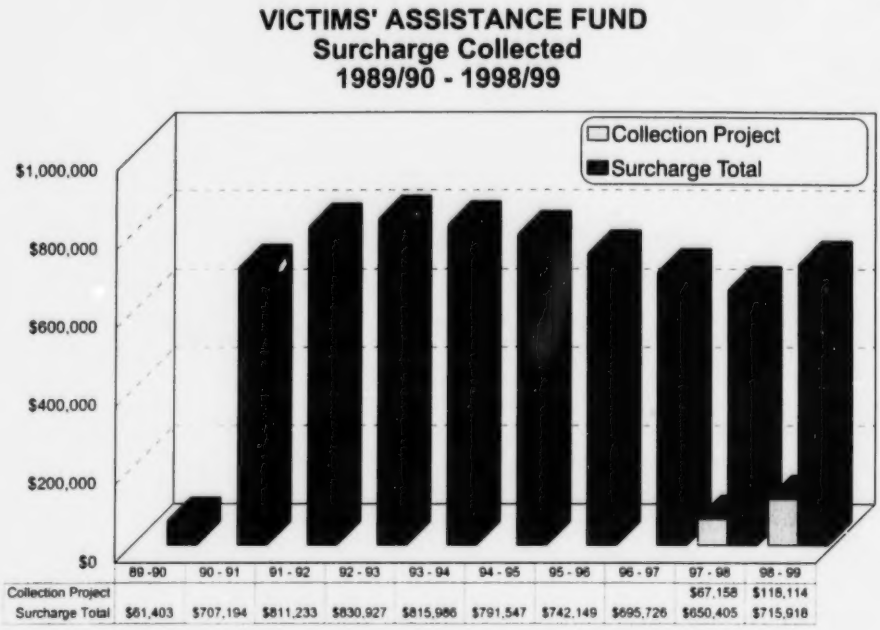


Chart 36 shows the annual amounts of surcharge collected in each of the past 10 years. As indicated on the chart, in the past year there was an increase in the surcharge collected. This increase is in contrast to the decreases demonstrated in each of the previous five years.

The total annual surcharge collected includes amounts realized through the Fines Collection Project which was implemented in 1997 to collect past due accounts. When the amounts collected through the Fine Collection Project ($67,158 in 1997/98; $118,114 in 1998/99) are deducted, there is only a modest increase in surcharge in the past fiscal year and a significant decrease from the peak level attained in 1992/93. The portion of surcharge income that was realized through the Fine Collection Project is shown on **Chart 36** as a portion of surcharge collected for the past two years. **Chart 37** provides an overview of the decrease/increase in annual surcharge collected (not including amounts realized through the Fine Collection Project) in each of the past six years.

Chart 36: Victims' Assistance Fund, Surcharge Collected 1989/90 to 1998/99



	89-90	90 - 91	91 - 92	92 - 93	93 - 94	94 - 95	95 - 96	96 - 97	97 - 98	98 - 99
Collection Project									$67,158	$118,114
Surcharge Total	$61,403	$707,194	$811,233	$830,927	$815,986	$791,547	$742,149	$695,726	$650,405	$715,918

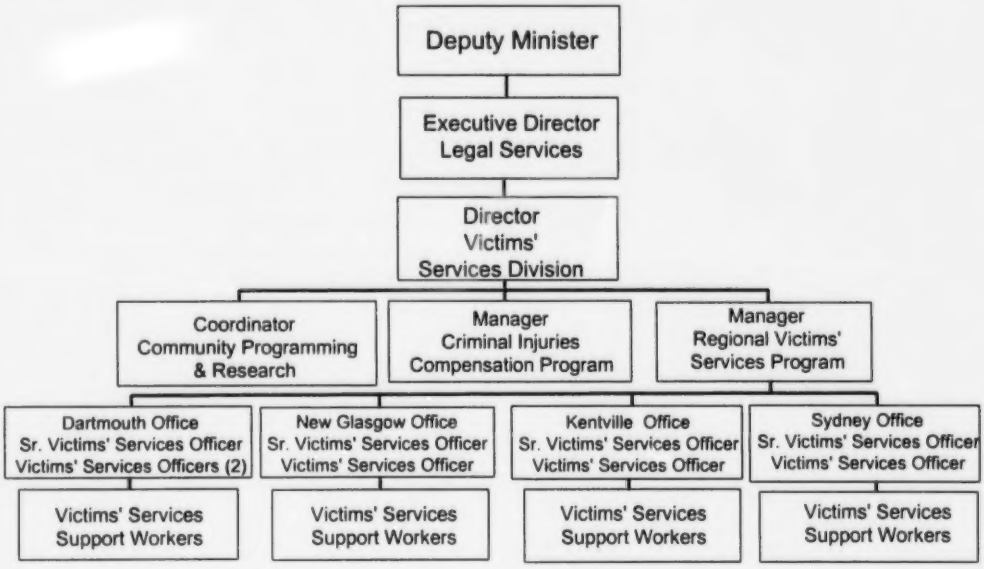
CHART 37: Decrease/Increase in Surcharge Collected, (1992/93 - 1998/99)
(Not including amounts realized through the Fine Collection Project)

Year	Surcharge Collected	Amount Decrease/Increase
1992/93	$830,926.58	
1993/94	$815,986.54	($14,940.04)
1994/95	$791,546.93	($24,439.61)
1995/96	$742,148.76	($49,398.17)
1996/97	$695,726.28	($46,422.48)
1997/98	$583,246.57	($45,321.73)
1998/99	$597,803.79	$14,557.22

The proposed changes to the *Criminal Code* with reference to victim surcharge, that are expected to be implemented in 1999, could have a positive effect on the amount of surcharge generated on an annual basis. As the provisions will not be retroactive and, therefore, will only apply to dispositions on charges that were laid after the coming into force of the revised provisions, it may take some time for any increase in revenue to be realized.

APPENDIX 'A'

VICTIMS' SERVICES DIVISION - DEPARTMENT OF JUSTICE NOVA SCOTIA


Deputy Minister
Executive Director Legal Services
Director Victims' Services Division
Coordinator Community Programming & Research
Manager Criminal Injuries Compensation Program
Manager Regional Victims' Services Program
Dartmouth Office Sr. Victims' Services Officer Victims' Services Officers (2)
New Glasgow Office Sr. Victims' Services Officer Victims' Services Officer
Kentville Office Sr. Victims' Services Officer Victims' Services Officer
Sydney Office Sr. Victims' Services Officer Victims' Services Officer
Victims' Services Support Workers
Victims' Services Support Workers
Victims' Services Support Workers
Victims' Services Support Workers